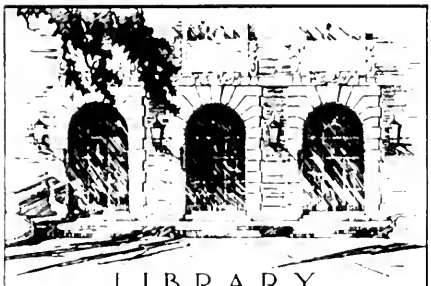

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[SECOND EDITION.]

J. G. Talbot Esq. M.P. 3.

THE REPEAL

OF THE

from the Author

PUBLIC WORSHIP REGULATION ACT.

A LETTER

TO THE

RIGHT HON. LORD CAIRNS, P.C., LL.D.,

LORD HIGH CHANCELLOR OF ENGLAND.

BY

THE REV. FREDERICK GEORGE LEE, D.C.L.,

VICAR OF ALL SAINTS', LAMBETH.

"In some cases, and this is surely one, it not only becomes, but behoves a nation to retrace its steps. Further progress upon a wrong and dangerous way may suddenly end in destruction."—*Edmund Burke.*

LONDON:

THOMAS BOSWORTH, 198, HIGH HOLBORN, W.C.

1877.

PREFATORY NOTE.

Before this Letter is read, its Author desires to state publicly to those who may honour him by its perusal that the distinguished Statesman to whom, by his lordship's kind permission, it is addressed, is in no degree responsible for any statement or opinion expressed in it.

All Saints' Vicarage House, Lambeth.
Eastertide, 1877.

In Preparation, by the same Author, A Second Letter to the Lord Chancellor on "The Royal Supremacy and Jurisdiction as Existing in the Church of England."

THE

REPEAL OF THE PUBLIC WORSHIP REGULATION ACT.

MY LORD,

NO enactment of an ecclesiastical character passed during the last two hundred and thirty years has been more thoroughly revolutionary in its leading principles than the "Act for the better Administration of the Laws respecting the Regulation of Public Worship," passed, at the urgent request of the Episcopal Bench, in the summer of 1874. Even the roughness and rudeness of Puritan violence, and the bitter anti-episcopal animus displayed by the Parliaments of 1643 and 1644, embodied in the various "Ordinances" then, from time to time, put forth,* wrought no such total subversion of ecclesiastical principles in the National Church as the recent Act under consideration. Nor did any members of the degraded school of Tillotson, Burnet, and Hoadley, fifty years and more afterwards, ever dare so to innovate upon ancient laws and customs. It is not to be wondered at, therefore, that, over and above the persons against whom the Public Worship Regulation Act was especially directed,

* These "Ordinances," so called, ran thus—"The Lords and Commons, in Parliament assembled, taking into their consideration . . . . do hereby ordain," etc.

—the so-called "Ritualists,"—the main body of old-fashioned High Churchmen,—traditional followers of Andrewes, Montagu, Land, Cosin, and Sancroft, —dislike it more and more as they begin to realize its true character and appreciate its formidable powers. For the new Act does not alone concern those who have been most active in the much-needed restoration of reasonable order and common decency to our churches and their services, but it actually touches every member of the Church of England, lay as well as clerical, who believes in Historical Christianity, and regards the National Church as a true portion of the One Family of God, and who sees the difference between things temporal and things spiritual. It gives power to the Judge of the New Lambeth Court to deal with questions of doctrine, (indirectly it may be, but yet most efficiently;) and, while it has completely destroyed the legal value of the parson's freehold—no mean nor unimportant practical matter—and rudely uprooted his independence of position, by placing all he does in conducting divine service, guided by directions in the Prayer Book neither exhaustive nor clear, at the mercy of any three residents* in

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* Colonel Bagnall, of Shenstone Moss, in Staffordshire, recounts, in the following words, what took place at an interview with which he was favoured by the Archbishop of Canterbury in reference to the "Case" at Wolverhampton: "The Archbishop was kind enough to receive him, and he told him just simply and truly every fact connected with the Case. He said there were two large congregations who were perfectly satisfied with the ministrations of Mr. Bodington and his curates; that these people had built these churches, and were sustaining them; that the feeling in the town was on the side of

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his parish, it has also abrogated the old and valued pastoral relations (based on the old Common Law of the Church and Christian charity) between all the bishops and the clergy of the second order,—relations as valuable as they were useful and salutary. For, however much a diocesan bishop may dislike or mistrust any decision of the New Court, he is wholly unable either to reverse it, modify it, or prevent its actual enforcement. By the Public Worship Regulation Act the bishops of the present day, one and all, are as much subjects of Lord Penzance as, in Henry VIII.'s reign, were Cranmer and his co-prelates of the unscrupulous "Lord Vicegerent in matters ecclesiastical"—Thomas Cromwell. So that just as the Government Local Board has a President, and the Police Force a Chief Commissioner, so has the National Church a lay ruler and Judge in the person of Lord Penzance. The polite taunt of a Whig Roman Catholic that "the English clergy are only Her Majesty's moral policemen" thus becomes neither unreasonable nor unjust;—a taunt to be henceforth borne and not complained of. In

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Mr. Bodington; that the Case was taken up by three inhabitants —three clerks in the service of the Great Western Railway; and he asked him whether it was right that on the representation of those three persons, however excellent they might be in their private life, the priests and congregations of those churches should be vexed and harassed in the way in which they were about to be. His Grace said to me, '*It does not matter a bit who the people are so long as they declare themselves to be members of the Church of England.*' He said, 'Well, your Grace, I see an immense amount of trouble in store for the Church of England, for you may depend upon it we shall never submit to tyranny.'" (Loud and long-continued applause.)

fact, "prelacy," as the Puritans phrased it, is practically abolished; all the Anglican bishops having unwittingly made themselves subservient to the new legal State officer, whom Parliament, at their express desire, has formally created.

It is not to be wondered at, therefore, that, after the machinery of the Public Worship Regulation Act has been more carefully examined than was the case two years ago during its hasty passage through both Houses of Parliament, even its authors—the bishops of the Church of England—begin to doubt its inherent worth and practical advantage. For it promises, My Lord, to unsettle much and to settle nothing. "Laws not founded on right and justice," wrote Lord Bacon, "will not command respect;" and certainly the clergy of the National Church,—with the sole exception of a noisy but least influential faction, to whom it is a godsend,—have not spoken of it with either respect or patience. The mutterings of a year ago are louder now and more continuous: for the simple reason that the complex ins and outs of the measure, tortuous and sinister enough in themselves,—thanks to Dr. Isambard Brunel, who drafted it,—have been recently exposed and made manifest by keen literary criticism. A considerable minority of the bishops, whom the Archbishop notoriously concussed into inaction, are now reported to regret the passing of the enactment. At all events, the Bishop of London has formally declined to put it into operation either at St. Alban's, Holborn, or St. Ethelburga's, Bishopsgate Street; while the Bishop of Rochester evidently feels a little sore, as well he may, at being expected to act as a mere bailiff in the Court of the New

Lambeth Judge: a dignity to which, moreover, (omitting other names) it is obvious that neither the Bishops of Lincoln, Lichfield, nor Ely can ardently aspire.

Few can be surprised, therefore, that an agitation for the repeal of the Act has now commenced;* and this with considerable prospect of eventual success. When, several months ago, certain working men from St. Alban's, Holborn, were honoured by an interview with his Grace the Archbishop of

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* From a pile of American and Canadian newspapers the following extracts are given, as showing the interest which daughter churches of our home communion take in the subject:—

"To permit a non-Christian Parliament," writes the *Church Journal*, of America, "to legislate for the Church of England, with no reference to the Convocation Synods, would be equivalent to allowing Russia to pass laws for the States. This cannot be."

The *Church Chronicle*, published at Halifax, Nova Scotia, has the following:—

"Archbishop Tait, either smitten with judicial blindness, or so surrounded by toadies and interested persons as not to see the real facts, invented a ridiculous craze called the 'alienation of the laity,' and in order to remedy that which did not exist, he forced through Parliament the iniquitous Public Worship Act—iniquitous, because advantage was taken of the known determination of High Churchmen not to make reprisals, but to let Low Churchmen break the law in peace if they chose. By this Act, three persons of the parish, no matter who or what they may be, by simply declaring themselves members of the Church of England, can bring their clergyman before Lord Penzance, the ex-Judge of the vile Divorce Court, to whom the Bench of Bishops have abandoned their lawful authority, and he, administering what he calls the 'law'—that is to say, the *Purchas* Judgment—can suspend clergymen from the exercise of their office, and otherwise punish and disgrace them."

Canterbury at Lambeth, to expostulate against the hardship endured by them in the suspension of Mr. Mackonochie, their pastor, the Archbishop repeated a remark which has not unfrequently fallen from his Grace's lips, that they should "obey the law;" adding at the same time that, if they did not like it as it stood, they were quite at liberty to agitate for its alteration. Taking his Grace at his word, they appear to have done this so promptly and so effectually that the working-man element has at once become an important factor in the settlement of the question under consideration, as, no doubt, will soon be discovered. At the recent elections at Frome and Oldham, for instance, the abstention of some of the clergy and many of their ecclesiastical allies of the lower middle class secured two Liberal triumphs,—a fact (abundantly discussed in each of those towns) which the *Daily News* appears to be the only leading London newspaper to have carefully noticed. This action resulted in taking two votes from the supporters of Lord Beaconsfield's administration, and in practically giving four votes to the Opposition. Mr. W. R. Greg, in his "Mistaken Aims of the Artisan Classes," while scolding them somewhat fiercely, may be said to almost rave about their "unhappy growth of power"—a growth which the High Priests of the Radical school of Ritualists perfectly appreciate, and the existence of which the *Nonconformist* thus frankly admits: "The Ritualistic leaders may not have a large, but they have an earnest and disciplined following among the lower middle class,—a class over whom archbishops and bishops, deans and canons, and *Guardian* and

Record newspapers, exercise not the slightest control. *And perhaps without knowing it,*" [here is the ominous warning!] "*and probably without wishing it, that class is driving straight for disestablishment.*" Now this legitimate influence of the working man has been clearly and more thoroughly brought to light in the recent Meeting on behalf of Mr. Tooth at the Cannon Street Hotel, which was unquestionably as complete and triumphant a success as the Archbishop would no doubt desire it *not* to have been. On this point nothing need be added to the following expressive testimony of the *Nonconformist*:—

"It is with unfeigned sorrow we are forced, by the growing agitation around us, to a conviction that in that part of the population subject to the influence of the national clergy there is a wide-spread, strong, and even passionate reaction towards the priestly superstitions of the Middle Ages. The meeting held in Cannon Street on Friday evening was a portent, the ominous significance of which it is impossible to deny. Not only was the great room of the Hotel crowded to suffocation, but the staircase and approaches were blocked with at least a thousand eager but disappointed applicants for admission. The feeling exhibited was as deep, intense, and unanimous as anything experienced during the recent national protest against Turkish atrocities. Nor was this meeting alone. All over the country, wherever the Church Union has taken root, meetings, perhaps smaller in numbers, but no less determined in temper, have borne witness to the success of that organization."

Over and above all this, it is necessary to bear in mind how thoroughly the clergy have at last been roused—all except that considerable but not increasing school which claims the exclusive use of the epithet "Evangelical," but which one of its own leaders sorrowfully admits to be now "honey-

combed with infidelity and paralyzed with impotence." Archdeacons, cautious at once because of their dignity and hopes, have spoken with unusual freedom. Ruri-decanal meetings in no less than forty archdeaconries have given no uncertain sound as to their judgment of the New Court and its Judge.* Though the age of pamphleteers seems passing away, yet nearly a score have recently appeared all dealing with the "burning question" under consideration, with calmness, ability, determination, and force. The Bishop of Lincoln, who, as in duty bound from his official position, strove to make the best of the recent ecclesiastical revolution, pouring oil on the troubled waters in his "Public Letter to Canon Hole," preferred rather to sacrifice his own consistency than to keep silence and render no assistance to Archbishop Tait, during the strife and turmoil following from his Grace's legislative action.

Here is the Bishop's contradiction :—

"In England the supreme human authority, under Christ, over all powers, spiritual as well as temporal, and in all causes, ecclesiastical as well as civil, is vested in the Sovereign."—*Letter to Canon Hole*, para. 3.

"The Sovereign is supreme over all persons, *but not in all causes.*"—*Theophilus Anglicanus*, p. 274.

"As in *civil causes* the Sovereign administers justice by *civil judges*, so in spiritual matters justice ought to be administered by *judges spiritual.*" —*Ibid.*, p. 304.

And here is a statement of principle, taken from a tractate "On Marriage with a Deceased Wife's

* Note the following (the full meaning of which is not at present made manifest): "I do not suppose that a more galling insult to a body of educated Christian gentlemen, such as the

Sister" by Christopher Wordsworth, D.D., exactly covering in one important particular all that the Vicar of St. James's, Hatcham, and his allies are setting themselves to accomplish with regard to jurisdiction *in spiritualibus* :—

"Nor let us forget the sacred rights of those who minister in our churches and at our altars. What is the faithful parish priest to do if a man or a woman who has contracted one of these marriages present himself or herself at the Lord's Table? Can he administer to them those Holy Mysteries? Would he not, too, be a traitor to God and His Church, whose law is clear on this point, if he ventured to do so? And if the Civil Power should legalize such a marriage by its authority, would he not be charged with disloyalty to his Sovereign and to the Government of his country if he refused to do so? He would be placed in a painful dilemma; *but his course is plain. He must obey God rather than men.* But it will be an evil day for England when the Civil Power engages in a conflict with the Church of God, and proclaims war against the ministers of God." (P. 27.)

There are many of the clergy who have as clear an idea of their principles as they have a strong resolve to abide by them and put them into practice; and by consequence—unless the sad alternative of disestablishment be forced on—are certain to co-operate for the repeal of the Public Worship Regulation Act.

As regards efficiency in practice and working, it has failed signally. Take the Hatcham case, My

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clergy of England are, is recorded in history, than that which has been practically offered to us by the two Archbishops, in the peculiar character of the appointment they have thought fit to make."—*Christ or Cæsar?* A Letter to the Bishop of Chichester, by A. D. Wagner, Chancellor of Chichester Cathedral, etc. (P. 10.) London: 1877.

Lord, as summed up by the *Observer*, an admirer of that Act :—

It is difficult to shut our eyes to the fact that, practically, Mr. Tooth has had much the best of the dispute. When he was originally summoned to appear before the Court, he treated the summons with contempt. When he was admonished and told to discontinue his illegal practices, he simply went on with them. When he was inhibited, he blandly disregarded the inhibition. When he was arrested and put in prison, and told that he could come out as soon as he would consent to purge his contempt, he replied that it was his intention to stay in prison for the remainder of his days. This resolute determination to be made a martyr of, reduced the Public Worship Act to a dead letter. . . . Mr. Tooth has no intention to be obedient in the future. He has been turned out of his church, but he has asserted his principles; and the only practical result of his imprisonment is a *reductio ad absurdum* of the doctrine of contempt of Court. Mr. Tooth has defied the law, and defied it successfully. (*Feb.* 1877.)

The new law having obviously failed, the most reasonable policy for all parties is to labour for its repeal. Experienced politicians already allow the possibility of such a proposal; and several of the bishops would now no doubt welcome such a relief with earnest gratitude. Already their lordships have evidently learnt the needful lesson that a little reasonable independence at the Archbishop's private meetings at Lambeth—informal meetings, irregular, unrecognized by custom, and frequently mischievous—might be firmly and properly exercised. And, should they henceforth resolve that grave and momentous steps in legislation shall only be taken after free and open public discussion in Convocation,—the legal and authorised method and place,—such a resolution would hereby evidence their lordships' improved wisdom and increased foresight as legislators—Archbishop Tait notwithstanding.

Here let it be noted that the various Resolutions which are being passed in different parts of the country,—with an enthusiasm and unanimity which, to say the least, are remarkable,—all point either to the repeal of the Act or to the disestablishment of the National Church. "You may rely upon it," remarked Mr. Bright in his speech at Birmingham, in the summer of 1874, "that Zeal will not, for all time, sacrifice Freedom even to keep the emoluments and dignities of the State Church." The writer of the "Fourteen Reasons" against passing the Act, which were forwarded to every member of the House of Lords* in the same year, and which gave Archbishop Thomson such offence, maintained an exactly similar opinion,—an opinion expressed in the cry "Repeal or Disestablishment" which is now unfortunately shared by thousands. Hence the following weighty communication of Canon Liddon addressed to the President of the English Church Union :—

The practical drift of the first resolution is the repeal of the Public Worship Regulation Act, and I for one think that this is one subject for which the Union might well work steadily,

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* In a public Letter which the Bishop of Winchester did me the favour to allow me to address to him, entitled "Recent Legislation for the Church of England and its Dangers," (London: Mowbray, 1874) I wrote thus: "I have very reluctantly (and with the truest and most unfeigned sorrow) come to a conclusion which makes me melancholy—that the passing of the Public Worship Regulation Bill has, to all intents and purposes, sealed the fate of the National Church of England. Its end as an establishment is certain, and cannot be far off. It is absolutely impossible that on the new platform recently created by the Archbishop, and approved by all the bishops but one, any Christian communion can stand for long."

incessantly. That Act was the child, partly of passion, partly of panic,—of passion and of panic which, since the date of its passing, have largely yielded to reason and justice. It was avowedly pressed on Parliament as a party measure; and the taint of partisanship will cling to it as long as it remains on the Statute Book. Of those who advocated it, some, at any rate, have since regretted that they did so; and, as members of another Parliament, after the next general election, they might, without real inconsistency or loss of dignity, reconsider a false move in legislation. Certainly, if the Public Worship Act was intended to bring peace to the Church, it cannot be described as a success; for it has aggravated previous dissensions beyond all our former experience. It has, to say the least, thrown doubts on the historical continuity and on the religious authority of our ecclesiastical courts; it has added to our controversial difficulties in maintaining the true claims of our Church against her various assailants; it has lodged scruples and fears in many a tender conscience which knew nothing of the kind before. It has created bad blood all round, and this in days when the circumstances of the Church demand from all sides new efforts after unity. But what Parliament has made Parliament can unmake, if it chooses to do so; and it will be the fault of Churchmen if they do not employ such influence as they may have in promoting the repeal of a measure which threatens very serious disaster in the future.

Now, My Lord, in order to appreciate the necessity for the repeal of the Act under consideration, it may be well to set forth at length certain leading objections both to its principle and details, which are very widely prevalent. These objections are felt quite as keenly by the great body of old-fashioned moderate High Churchmen as they can be by the noisier and less refined, but more unscrupulous, section led by the cheap Ritualistic newspapers.

But first, let due consideration be had of the true spiritual character and office of a bishop in the Church of God, in order that the dire effect of the

Act in lowering this office may be more accurately appreciated. The bishop of every diocese, having received valid consecration, having been raised from the priesthood to the episcopal order by duly consecrated bishops, and having had imparted to him the highest fulness of sacerdotal power,—a "character" implanted from the eternal high priesthood of our Divine Lord, over which neither the bishop's own weakness or will nor the violence of men has power, nor Time nor Eternity can blurr nor remove,—still needs lawful jurisdiction for the exercise of that office. The most adroit lawyer is no responsible judge until he has received a formal commission and authority to fill the seat. No diplomatist, however successful, can of his own mere motion act as an ambassador until he is duly and lawfully credited. So, by parity of reasoning, is it with a bishop. He needs a formal chair of jurisdiction, a definite territory in which to exercise his powers of ruling in his Master's Name.* This power is divine, not human: it comes, not from kings, but from the King of kings. And in its exercise the bishop is ever guided by precept, canon, and ancient custom. Nothing is left to his own arbitrary will (if it chance to be arbitrary); on the contrary, he himself is as much guided by law and canon† as the clergy and laity whom he directs and

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* The distinction between a bishop with jurisdiction and a bishop without may be seen by a comparison between Archbishop Tait and Bishop Jenner. Both reside in the diocese of Canterbury. Each is a bishop. One has jurisdiction there, the other has not.

† What a remarkable contrast is this position to that of the bishops under their own Bill! In this latter they carefully

governs. Through the bishop, consequently, the Church rules, whose Head is Christ.

Furthermore, if for awhile the bishop has voluntarily delegated his office of judge in his own Diocesan Court to a lawyer learned in the law, surely what he temporarily entrusted he may at any time recall. And just as the monarch, the head of the State, gives power to the Chief Justice in the King's Bench Court, or in the Court of Chancery to the Lord High Chancellor, to judge in his name, so in the ecclesiastical sphere is it with the bishop. The judgment of the Diocesan Court is, by consequence, the judgment of the bishop, as the Chief Justice's decision is the judgment of the King. From such a judgment of a bishop there is, by custom and ecclesiastical necessity, an appeal to the archbishop of the province to which the bishop in question belongs. But now all this is changed and overturned. Traditions of twelve centuries are flung aside as worthless; and there is a total break-down

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provided against being themselves compelled to obey "the law." *By its provisions they are, one and all, excluded from its operation;* and so the Purchas Judgment, as regards the use of copes, they laugh to scorn. On any other question but one that is ecclesiastical, and stirs up bad blood, it would have been simply impossible for the bishops so to have acted, or for either House of Parliament to have entertained, still less to have approved of their policy. What would the British Public say to a parliamentary proposal to carry a trenchant measure, for instance, against commercial swindling—applicable, of course, to the whole country—from the operation of which all peers and M.P.s were excluded? Yet, in passing the Public Worship Regulation Act, the House of Commons, by 173 votes against 65, deliberately excluded the bishops from its operation.

and complete collapse of even that skeleton-like, worm-eaten scaffold of spiritual jurisdiction which remained to us after the Tudor changes.

Here are now set forth *seriatim* various valid objections to the Act under consideration :—

1. It has introduced entirely new conditions both for ordination and for holding a benefice to those which existed before it became law. Of old the clergy pledged themselves "so to minister the doctrine and sacraments and the discipline of Christ as the Lord hath commanded, and as this Church and Realm hath received the same, according to the Commandments of God" (*The Ordering of Priests—Book of Common Prayer*). By the Public Worship Regulation Act "this Realm" has passed an Act against, or, at least, without, the consent of the Church in Convocation assembled—*i.e.*, independent of, and not concurrently with, the Church. So that all clergy, unbeneficed as well as beneficed, and all candidates for ordination suffer a grievance because of this silent but effective and startling revolution concerning first principles.

2. The old Diocesan Courts of the English bishops—all but as ancient as Christianity itself—were inherently and essentially spiritual courts; as were likewise the two Provincial Courts (the Court of Arches for Canterbury and the Chancery Court of York for the Northern Province). And each Diocesan Court was as distinct from, and independent of, every other Diocesan Court, as they all were distinct from the Courts Provincial. In them the bishop was competent and had power to decide a question of law, with right of appeal. The Diocesan Courts, moreover, were courts of first in-

stance—every priest charged with an ecclesiastical offence had a right to be tried and heard within the limits of the diocese to which he belonged.* If the decision legally given in such a court was unsatisfactory to either party in the suit, an appeal lay to the Provincial Court of the Archbishop. Under the new Act, however, this is all entirely abolished as regards offences relating to the mode of conducting divine service. The diocesan is ignored; diocesan rights have now no existence; (here the laity suffer as well as the clergy) there is no Diocesan Court of first instance at all, and, furthermore, there are now no Provincial Courts either. There is a new Parliamentary Court and Judge with Parliamentary jurisdiction from Cornwall to Northumberland and from Kent to Denbighshire,—quite a different institution, and only two and a-half years old.

3. The Court of Arches and the Provincial Court of the York Province are now extinguished by Act of Parliament. Each of these ancient courts was a court recognized but not established by the power of the Sovereign. Each Archbishop had original jurisdiction in his own diocese, and nowhere else. *Nemo dat quod non habet.* A man cannot give what he does not possess. But in ad-

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* It should be noticed that a clergyman from Land's End, Wolverhampton, Northumberland, or any remote spot in the remotest diocese of England, may now be compelled to come to Lambeth Palace, bringing all his witnesses up to London, at a ruinous cost. Previously the clergy were tried in the court of their diocesan, which was commonly held in the episcopal city.

dition each Archbishop owned the customary and salutary right of hearing appeals from the Diocesan Courts of his province. York, however, has no more to do with Canterbury in this particular than Canterbury has with Armagh, or Dublin with York. Each province is complete, as each diocese is complete, in itself—at once a type and portion of the Church of God. Archbishop Tait, therefore, can no more give jurisdiction to Lord Penzance in the diocese of Carlisle, for example, than he can appoint Dr. Kenealy to be Chief Justice of Ceylon, or make his own son Ambassador to the Shah of Persia. The idea is as impossible as it is ridiculous. Nor can the Archbishop of York legally and canonically interfere within the limits of the Province of Canterbury by assuming to give the new Judge authority over Mr. Ridsdale. Illegal and irregular force, as now introduced, can only produce dire confusion and eventual chaos, as will surely be discovered.

4. The new Lambeth Judge has no spiritual jurisdiction of any sort or kind. What legal coercive jurisdiction he possesses and exercises by the instrumentality of Colonel Henderson, Bishop Claughton, and Messrs. Chubb and Sons, comes solely from the Imperial Crown, at the recent instigation of the British Parliament. The Public Worship Regulation Act, which first set up Lord Penzance, therefore, might equally well have given the office to the Chief Commissioner of Police, to the Judge Advocate-General, or to the Senior Magistrate of Lambeth Police Court. Any one of these officers would have owned equally "spiritual" jurisdiction. What the two Archbishops may have

done in their deed of appointment of Lord Penzance, whatever it be, is spiritually valueless, being null and void; for they had no authority from the Church to do it. Their Graces' spiritual authority and power is canonical, defined, carefully guarded by precedents, based on the common law of Christianity, and duly limited by a consideration for the acknowledged rights of their clergy and flocks. The Archbishops, therefore, have neither the power nor right, My Lord, to destroy, annul, or dispose of their spiritual trusts. Their jurisdiction was a high and sacred trust solemnly committed to them, to be faithfully used and carefully handed on to their successors in office unimpaired. They could no more give this (a spiritual possession entrusted to them for a time) to somebody else, than they could legally dispose of the manors, lands, and the other temporal properties of their respective sees to their nephews and nieces.

5. The legitimate spiritual authority of all the English bishops is by the Act in question largely curtailed, and, as regards certain subjects, wholly extinguished. For the Public Worship Regulation Act expressly declares the legal incompetence of the bishop to act as judge in questions of Ritual, and removes his jurisdiction out of his own Diocesan Court, the Primate's out of the old spiritual Court of Appeal for the Province, and transfers it to a new and different Court set up by Parliament. The bishop, by consequence, can no longer do what he promised to attempt—"*punish and correct according to such authority as he has by God's Word,*" (*The Consecration of Bishops—Book of Common Prayer*) nor can he revise, modify, reverse, annul, or set

aside any decision of his new Parliamentary substitute and superior. His hands are henceforth tied. For the future he is impotent; and, whatever happens, must be silent. In such an one the office of a Christian bishop (as already set forth) becomes, My Lord, a nullity, a farce, and a scandal.

6. But, furthermore, supposing the Act *were* all that Archbishop Tait and his friends maintain it to be, can it be reasonable that the British Parliament, now no longer exclusively Christian, should, wholly independent of the two Convocations, legislate for the Church of England? Grant the principle in dispute; reply that "Parliament *has* such a right," and no one can predicate what may follow, or what may be further demanded of the clergy. Forty years ago an Oxford parson, Dr. Thomas Arnold of Oriel College—passing over the existence and the rights of Convocation—wrote that "the whole constitution of our Church will be utterly confounded if Jews or any other avowed unbelievers in Christ are admitted into the Legislature. For then Parliament cannot be the legislature of the Church, not being an assembly of Christians; and as there is no other Church legislature to be found under our actual constitution, the government of the Church will be *de jure* extinct, and its members will have to form a new one for themselves."* As regards the extinction of spiritual jurisdiction, his words have certainly been abundantly fulfilled; as will be made more evident by an exposition of the Whig theory of legislation for an Established Church from the lips of Sir George Grey, on the introduction of the

* Sermons by Thomas Arnold, D.D., vol. iii., p. 433.

Oaths Bill: "We have all agreed," remarked that statesman, "that every one, no matter what his religion is or may be, who is willing to take the Oath of Allegiance to Her Majesty has a right to sit in Parliament, and take part in all proceedings there, if he is qualified to do so in the opinion of those who sent him there."*

So much, therefore, as regards the six leading objections here set forth to the Public Worship Regulation Act. They by no means touch upon, much less exhaust, all that can be reasonably charged against that measure; but they are sufficient to show how gravely the constitutional rights of the Church have been trenched upon and rooted up by it, and what considerable dangers to Church and State such a wide change is certain to create and expand. The Court of High Commission—which came to stink in the nostrils of right-minded Englishmen ere it was swept away—was certainly neither so wholly un-ecclesiastical nor so offensive as that of Lord Penzance,—facts which no special pleading can alter. If any country parson, summoned to a ruri-decanal meeting before presuming to give an opinion on the subject, will only procure a copy of the Act and study it carefully with reference to himself, his position and his spiritual duties, there can be little doubt as to what judgment will

* This new position of affairs as bearing on the Court of Final Appeal in ecclesiastical matters, will have to be faced. No lay Privy Councillor, summoned to advise Her Majesty, need now be a believer in Historical Christianity except the Lord Chancellor. Can it be unreasonable for Churchmen to object to such a Court? Would the Scotch Establishment recognize it?

be pronounced by him on its character and powers. We do not deny that for its purpose it was most carefully and adroitly drawn. Those who proposed and framed it knew exactly what they wanted, and compassed precisely that which they desired to secure. But they evidently mistook the principles and underrated the powers,—possibly some disbelieved in the integrity and honesty,*—of the clergy of the second order. And this because perhaps some of them, to use a homely simile, "measured other people's corn by their own bushel." When the Archbishop of Canterbury, as was reported, remarked that "the English clergy, because of their large stake in the country, would endure a deal more squeezing than they have yet had," it is possible that his Grace really knows less of them than either he might or should. Englishmen are notoriously backward at understanding a principle, or realizing its importance. They are won by compromises, and seem to admire that which in practice is found to work well. But the novel principle of this Act, alien to their character, is being gradually

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* The following episcopal flowers of rhetoric in describing these Ritualistic clergy are culled from the newspapers: "Disloyal and aggressive" *(Canterbury)*. "A dangerous and law-disregarding section" *(York)*. "Neither honest nor open" *(London)*. "Serving the interests of Rome" *(St. Asaph)*. "Dishonest and untrustworthy" *(Durham)*. "Where is their integrity?" *(Peterborough.)* [Ritualistic] "books, dangerous in their tendency and dishonest in their teaching" *(Hereford)*. "Opposed to the faith of the Primitive Church" *(Lincoln)*. "Wanting in that regard for our mother which we expect" *(Lichfield)*. "Rebellious and self-willed" *(Carlisle)*, etc., etc., etc.

unfolded before their eyes and pressed upon their understandings—so that a plain issue and a deliberate judgment cannot for long be avoided. Specious arguments for giving the Act a further trial* may no doubt appear in abundance: three such, from high and interested quarters, may be briefly dealt with; but neither specious argument nor special pleading can eventually postpone the unfortunate but true issue before us,—"Repeal or Disestablishment."

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* One such has just been made by the Rural Deanery of Burford, in the diocese of Hereford, embodied in a Petition to Convocation, from which the following is an extract. In the reform of the Act, which those who sign it evidently anticipate, the following conditions are laid down:—

I. That the approval of the Crown by sign manual should not be required for the appointment of his Provincial Judge by each of the Metropolitans of Canterbury and York respectively, as by sec. 7, clause 1, of the said Act:

II. That the consent of the Archbishop of York to the appointment by the Archbishop of Canterbury of his Provincial Judge should not be required; nor, on the other hand, the consent of the Archbishop of Canterbury to the appointment by the Archbishop of York of his Provincial Judge, as by sec. 7, clause 2:

III. That under no circumstances should the appointment of the Judge of the Provincial Courts of Canterbury and York be vested solely in the Civil Power, as by sec. 7, clause 2:

IV. That the canonical authority of bishops over matters of Ritual observance within their own diocese should not be interfered with, as by sec. 9, clauses 4, *et seq.*:

V. That in hearing and determining questions arising before him, the judgment of a bishop should not be subjected to external dictation, as by sec. 9, clause 3:

VI. That the clergy of the Church of England ought not to be possibly brought by the Civil Power under a new jurisdiction to which they have never consented, as by sec. 7, clause 2.

Here, three points for consideration, embodied in certain *ad captandum* retorts and replies by those who are the allies of the authors of the Act, may be briefly dealt with in order. (1.) The first is that Lord Penzance's Court is the same court as the old Court of Arches, and that his lordship is the lawful and actual "Dean of the Arches." (2.) The second is that, under the new Act, the personal authority of the bishop is certainly as great as it was of old under the system which has been abolished: and (3) the third point is that, whether these facts be so or not—whether the law be just or unjust, wise or foolish, right or wrong, constitutional or the reverse,—the clergy are bound to submit to it.

I. The New Lambeth Court cannot be the same Court as the Court of Arches, because by the seventh section of the Public Worship Regulation Act the two Provincial Courts are entirely destroyed. Of old, for those courts, each Archbishop freely chose his Official Principal: now neither Archbishop can choose him, each being controlled by the other, and so efficiently bound in action and neither free. This is more than manifest by a further provision in the new Act. For if the joint appointment of the "barrister-at-law who has been in actual practice for ten years," be not made within six months "after the passing of this Act, or within six months after the occurrence of any vacancy in the office," then "Her Majesty may by letters patent appoint some person . . . to be the Judge." Thus the Court is not the same; the Judge is different, and appointed in a manner never heard of in a spiritual court; the jurisdiction is different, and the mode

of procedure is altogether new. Moreover, when Lord Penzance was jointly appointed to be Judge of the New Lambeth Court, he was not, and could not have been made Judge of the Arches' Court: for that office was then filled by Sir Robert Phillimore; nor could he have been then made Judge of the Chancery Court of the York Province, for that post was also filled by Mr. Granville Harcourt-Vernon. On the resignation of these two Judges, Lord Penzance, if at all, succeeded *solely by virtue of a Parliamentary enactment:* while proceedings taken before his lordship are by the Act "*deemed to be taken in the Court of Arches.*"

II. It has been asserted by no less a personage than Archbishop Tait that the spiritual authority of the bishop has never hitherto been so prominently marked.* Here are his Grace's words, extracted from a report of his Charge delivered in the autumn of 1876: "It has been alleged that it [the new Act] would interfere with the bishop's authority. He believed, on the contrary, that the bishop's authority had never been so distinctly recognized as it was in the Public Worship Regulation Act." And again, as showing how this is: "The very first step was that the bishop should be consulted, and that he should say distinctly to the parties,

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* On this point let the reader consult the 20th, the 26th, and 33rd of the Thirty-Nine Articles: also the Canons of 1571, 1575, 1585, and 1597; the Royal Injunctions of Edward VI. in 1547; the Constitutions of Cardinal Pole in 1555; the Royal Injunctions of Elizabeth in 1559; the Advertisements of 1564; Whitgift's Articles of 1584; and specially the Canons of 1603 (more particularly Canons 92—114, inclusive).

'Do you intend to abide by my decision?' If they replied in the affirmative, the bishop's decision could not be appealed against, but was absolutely binding, unless it contradicted the law." Of this, and much like it of the same kind in the Charge in question, may be said that such proposed processes are an outrage on Reason, Justice, and Truth, —opposed to the first principles of jurisprudence, inherently absurd in themselves, and obviously opening the door for the display of personal injustice and secret tyranny. If Chancery suits, for example, were to be managed by such a method as this, Law would soon become a laughing-stock, Order be abolished, and Justice brought into contempt. For here we have, instead of the exercise of authority by a judicial process in open court, as decreed by the Canons, an arbitrary process *in camerâ*,—from which there is absolutely no appeal whatsoever. Moreover, an accused clerk does not want private advice, secret counsel, personal warning, or artful persuasion; these he can get, if he should desire them, from the parish beadle. What he demands and expects are right and justice before a constitutional Judge in open court, in accordance with canon and custom of Holy Church.* If the study of the Civil Law

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* It should be particularly borne in mind that, under the Public Worship Regulation Act, this cannot now be had; for the requisite machinery does not exist. The bishop's spiritual character is ignored (in all cases concerning public worship), his spiritual office efficiently suspended; spiritual admonitions (in open court) cannot henceforth be given, and by consequence the clergy appear to be released from their effect. The pastoral staff is laid aside, while crowbars are obtained and Colonel

had not been so utterly neglected* by all but a few (Doctors' Commons has been long ago, first shut up and then razed to the ground), such extraordinary processes as those of which the Archbishop approves could never have seen the light. The land of darkness is their true home.

III. The sum and substance of the Bishop of Lincoln's advice to his clergy with regard to the New Law is summed up in one brief and pregnant sentence of his lordship's "Letter to Canon Hole," —"To resist such authority [as that of Lord Penzance] is to resist God"—a statement which strikes me as the most startling and alarming I ever read. Coming from such a quarter, it demands grave consideration; but I much doubt if the proposition will be either acceptable or accepted in the long run. At the time I write there are few signs

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Henderson is called in, to enforce Parliamentary jurisdiction, with the connivance and approbation of one of our Fathers-in-God.

* Here is a needful warning on this subject from the pen of Burke: "I remember that in one of my last conversations with the late Lord Camden, we were struck much in the same manner with the abolition in France of the law, as a science of methodized and artificial equity. France, since her Revolution, is under the sway of a sect whose leaders have deliberately, at one stroke, abolished the whole body of that jurisprudence which France had pretty nearly in common with other civilized countries. In that jurisprudence were contained the elements and principles of the law of nations, the great ligament of mankind. With the law they have, of course, destroyed all seminaries in which jurisprudence was taught, as well as all the corporations established for its conservation."—*Two Letters on the Proposals for Peace with the Regicide Directory of France*, etc., pp. 95, 96. London: 1796.

of such acceptance. Tudor principles of Church government are as much out of date and defunct as the Tudors themselves, and it may be reasonably doubted if the ecclesiastical principles of the Restoration concerning the Regale are exactly those which will command respect and receive implicit obedience now. The time has gone by for proposing that the infallibility of National Churches should become an article of faith. If, in regard to England, Lord Penzance be the logical result of such a "pious opinion" or "dogma," I fear it will not at present obtain general acceptance. This kind of patching and tinkering will be of little avail; this borrowing of old clothes from King Henry VIII. and Bishop Sanderson to give a much-required appearance of respectable antiquity and ecclesiastical aroma to the ex-Judge of the Divorce Court, sitting in Lambeth Library, had better be left alone. It will serve no good purpose and impose upon none. The most curious and life-like figure at Madame Tussaud's has neither blood nor breath.

The policy of a considerable section of the clergy —if not the flower of them—will undoubtedly be that which the Vicar and Rural Dean of Rugeley sets forth in the following letter in the *Guardian* of March 7th :—

> The clergy at the Reformation promised not to legislate without the sanction of the State. Tell me when the clergy promised to allow the State to legislate in things spiritual without their sanction. For this is what has been done. A Bill seriously affecting the Presbyters of the Church, and none others directly—not the Bishops and not the laity—has been forced through Parliament against the remonstrances of the Presbyters. What must be done? Many of the latter feel that the Act was passed in an unconstitutional manner, and has

made an unconstitutional change. For, say what we will, a Judge appointed by the Archbishops with the consent of the Crown, and who may be appointed by the Crown alone, is a very different official from Judges appointed by the Archbishops without asking leave of the Crown at all. What, then, must be done? The Bishop of Lincoln replies, "Agitate to get the law altered." But how? Who will alter it, or get it altered for us? Convocation? But Convocation is not allowed to legislate without the sanction of Her Majesty and the consent of Parliament. Parliament? But Parliament is now composed of men of all religions and of none, and would be very little likely to listen to Convocation. The Bishops? But it was the Bishops, in whose appointment the clergy have been deprived by the Civil Power of the voice which once belonged to them, who forced the Act through Parliament. What, then, must be done? "Obey the law," says the Bishop of Lincoln, "when it is not contrary to the law of God." But, to my mind, it is contrary to the law of God to allow the State to encroach on the province of the Church, and to the spirit of Christ to avoid suffering by submitting to it when it does so.

So far as ritual is concerned, I would gladly see power given to the Bishops to prevent violent changes from being forced on unwilling congregations; but not even the dread of Disestablishment will induce me to acquiesce in first one slight encroachment upon the rites of the Church being made and then another, until the Church has become, like the Army or Navy, a mere department of the State. And if this be my determination, it seems to me that nothing is left me but to do what the Bishop implores us not do do—viz., *to offer a stern, passive resistance to all ecclesiastical laws passed by the State without the consent of the clergy in Convocation, and, if needs be, to suffer the loss of all things for offering it.*

Another letter, from the *John Bull* of March 3rd, signed "An Elector of Oxford University," deals with the subject from a somewhat different, and more from a political, point of view, touching also upon the Ecclesiastical Fees Bill. It serves, however, to show how deeply men feel on the subject:—

Lord Penzance has fallen upon Conservative Churchmen like a bomb, and every one runs his own way to escape the

explosion. There is little chance of reunion till the shell is taken away. I have studied the Public Worship Regulation Act perhaps as closely as any one, and I have no doubt its operation and intent is to extinguish the Ecclesiastical jurisdiction, diocesan and provincial, and to substitute one national Common Law Court in its place. Lord Penzance is no more an Ecclesiastical Judge now than he was when at the head of the Probate and Divorce Court, and I have little doubt that Mr. Tooth's imprisonment was *illegal*. He would probably have obtained his release by *habeas corpus* if a continued incarceration had been better for the cause of Ritualism.

The Ecclesiastical Offices and Fees Bill is another blow at the clergy; adding insult to injury by intercepting the long-promised reduction of clerical burdens to apply the excess in payment of Lord Penzance. This odious job can never pass the House of Commons unless the Government take it up; but why the Government should sell the clergy to a Whig Primate and Peer, it is not easy to explain. Perhaps, in paving the way for Disestablishment, they recognize the poetical justice of giving back the University seat to Mr. Gladstone. That is what it is coming to. The clergy may continue to bear, as they have for forty years, the delay of justice, in releasing them from the gripe of the bishops' officials. They may submit, with a bursting heart, to the cynical tyranny of adding Lord Penzance to the shameful list of their plunderers. But one thing they will never submit to: they will never be the creatures of an Act-of-Parliament Church. When the gentlemen of the House of Commons have brought the Established Church to an institution devised after their own heart, they will have got the one thing which all true Churchmen, in common with all true Dissenters, hate with a perfect hatred. The clergy will not secede, as these purblind politicians desire, and surrender their churches and life interest to more pliant instruments: they will hold their own and simply disestablish the Church. We are often told that if Disestablishment comes it will be the fault of the clergy. Why are the people who repeat this truism as a formidable warning so anxious to make it a duty and a merit in the clergy to disestablish the Church?

From these it follows that some few, at all events, cannot, as they openly state, and will not,

accept the proposition of the Bishop of Lincoln, and, unlike too many, regard the Faith as a trust neither to be halved, impaired, obscured, nor bartered away. Erastianism they detest and abhor. True to their Master, they will have none of it.

On the part of certain Church officials who sun themselves in the smile of the exalted, judging them by their words and actions, Erastianism seems to be a mere convenient cloak for a scornful rejection of Historical Christianity and all that religious Englishmen used to hold dear. Even as a theory, no one out of Bedlam *believes* in this degrading Erastianism. Your lordship may remember Mr. Gladstone's true and expressive description of it.* Why, therefore, the old and well-loved English Constitution should be seriously damaged or suspended for the sake of giving unchecked dominance to a shallow school of Church politicians is beyond the comprehension of many to understand. Advise your royal Mistress, My Lord, if you think it wise and well, to bestow upon such Erastians bishoprics, deaneries, and other positions of influence in the Established Church; but at the same time and at

* "I take no notice of the system termed Erastian. It can hardly, so far as I see, be called a system of or concerning religious thought at all. Its centre of gravity is not within the religious precinct. . . . If we follow the Erastian idea, it does not matter what God we worship, or how we worship Him, provided we derive both belief and worship from the Civil Ruler, or hold them subject to his orders. Many most respectable persons have been, or have thought themselves to be, Erastians; but the system, in the developments of which it is capable, is among the most debased ever known to man."—From "Courses of Religious Thought," in the *Contemporary Review* of June, 1876.

least recommend Her Majesty graciously to tolerate in "the inferior clergy,"—the backbone and mainstay of that institution,—a belief in the Three Ancient Creeds,* and a resolve not to deny or betray anew the Lord Who bought us by giving the things of God to Cæsar. Otherwise Christianity must die out in the Establishment, and the mixed multitude of which it is composed will necessarily, and in no distant future, revert to a godless indifferentism.

The bishops, then, apart from Convocation, having shown themselves incapable of legislating wisely on the ancient basis of the Constitution in Church and State, (for seldom has "confusion been made worse confounded" than by this unprecedented and disastrous measure, which their lordships recommended) it remains to consider what can be done. The relations between Church and State have been so seriously and needlessly strained of late, that any further legislation in the direction of that questionable policy so urgently and even passionately recommended by Archbishop Tait, will no doubt produce a serious disruption sooner than some people expect. The short and easy method which his Grace, when a tutor of Balliol College,

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* At a meeting of the Upper House of Convocation, Archbishop Tait, in the presence of many of his suffragans, made the following startling declaration: "We [the Archbishop and Bishops] do not—there is not a soul in this room who does—take the concluding clauses of the Athanasian Creed in their plain and literal sense." This confession of unbelief, reported in the *Guardian* of Feb. 14, 1872, was made five years ago; since which time, as far as I am aware, no bishop has repudiated the assertion of the Primate. It seems to follow, consequently, that those bishops who heard the statement agree with his Grace.

adopted for the expulsion of Dr. [then Mr.] Newman from the English Church was, alas! too successful thirty years ago, because of that eminent man's sensitive soul. It will not, however, answer now, as the bishops well know. Other persons, not quite synchronizing with the Archbishop in Church politics, Welshmen as well as Englishmen, claim, and seem resolved to exercise, an equal right with his Grace to remain faithful members of the old National Church, and to be free from new conditions of membership, violent constitutional changes, and rude charges of disloyalty and disobedience. The Archbishop's ally and shield-bearer, Dr. Ellicott, Bishop of Gloucester, will in vain recommend "sorrowful separation and sad secession" to English Churchmen equally loyal to God's truth and Her Majesty's rule with his lordship. The Chairman of the recent Meeting at Cannon Street is very clear on this point, and he spoke as a representative man. Here are his words as reported: "Blind and foolish as was the fury of the Hatcham mob, much more foolish was their cuckoo-cry of 'Go to Rome!' *That was the very thing which they had not the smallest intention of doing;* and the wisdom of those who recommended it might be easily re-furbished." *(Here the meeting cheered for several minutes, and vehemently shouted, "We won't be put out.")*

Although the present dispute mainly arose concerning the due interpretation of rubrics, it is no longer confined to that or kindred subjects. Now, My Lord, a far wider and more momentous principle is under consideration—that of spiritual jurisdiction and ecclesiastical authority. The discussion of these important principles cannot now be deferred. The

consideration of our jurisdiction, its nature, source, and limits, whether people desire it or not, (and many do *not* desire it) will speedily become a "burning question" in the Established Church.

In the meantime "Ritual," so called, is before us. Now, My Lord, the rubrics of the Prayer Book are obviously not exhaustive, and need to be revised and made clearer before it is wise to punish clerks for not strictly obeying them. Some rubrics are obviously obsolete; others are notoriously ambiguous; though the direction about the position of the celebrant at the Holy Table is plain enough—*too* plain for some people. For no amount of word-splitting (pardon the phrase, My Lord,) can make the well-known rubric, "When the Priest standing *before* the Table," mean either standing "*behind*," "*upon*," "*beside*," or "*beneath*" it. And as to the Prefatory Rubric about the vestments, "And here is to be noted," etc., let us read what one of the most learned and ablest scholars of the day * has so concisely and forcibly written on this point:—

A very plain and simple note, so plain that he may run that readeth it; so simple that a child who has heard of Edward the Sixth may understand it—encumbered by no reservation, watered down by no qualification or alternative; clear, precise, distinct, authoritative, affirmative, as the last Commandment of the First Table, "Remember that thou keep holy the Sabbath Day;" positive as the first Commandment of the Last Table, "Honour

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* The Second Year of the Reign of King Edward the Sixth: *The Altar Service of the Church of England of that Year, etc.* Edited by William John Blew, M.A. London: B. M. Pickering. 1877.

thy father and thy mother;" brief, pithy, and prudent; confirming the past, directing the future. As was the church ornamented, furnished and provided with instruments and utensils for service, and as the ministers were vested in their habits and other appointments in the second year of King Edward the Sixth, which was the year one thousand five hundred and forty-eight, so are the churches to be ornamented and the ministers "dressed" in this present year, one thousand eight hundred and seventy-seven, by Statute XIV. Carol. II.; in other words, by consent of Convocation and by Act of Parliament, in the fourteenth year of the reign of King Charles the Second, being the year of our Lord one thousand six hundred and fifty-two. What was Church Law as to ornaments of churches and ornaments of the ministers thereof in 1548, is, and is to be, Church Law in 1877 and the years to come; until, with consent of Convocation, and by Act of Parliament, the Statute of Uniformity in general, and this special enactment in particular, be altered, waived, or repealed. (Preface, pp. 6, 7.)

These two leading points—the position of the celebrant at Holy Communion and the use of vestments—as well as others, some of a less and some of a more important character, are to be soon "settled" (as is said) by the Queen in Council.

For myself, My Lord, I confess that I am a little surprised at the supreme indifference which appears to exist on all sides with regard to the expected decision in the Ridsdale Case. The leading Ritualists and the English Church Union, as is publicly asserted, will ignore it, whether it be for them or against them,—for they are now openly committed to a policy which relates as much to securing a new Court of Final Appeal in Ecclesiastical Matters as to the restoration of the abolished Provincial Courts; and, in case of failure, to Disestablishment. Moreover, if the forthcoming judgment be in their favour, it must by consequence be in direct and obvious

antithesis to previous judgments by which Ritualism was condemned. Contradictory and contrarient decisions of the same Court (for it is practically the same) will obviously possess slender interest — thanks to the confessed manipulation of former judgments by Archbishop Tait and others—and will certainly bind no man's conscience. Regarding public official action, each ecclesiastical person concerned must of course determine and act for himself. Union is scarcely to be looked for; for Convocation is practically powerless, and individualism popular.

Convocation, as your lordship will remember, was first discreetly manipulated and then silenced for awhile by William of Orange; but his Dutch Majesty's doings ought scarcely to have become a Tory precedent for legislation apart from that body. Then, again, the Whigs of 1717 suppressed and shut up Convocation for more than a century, because they rightly feared its impending condemnation of the heresies of Bishop Hoadley: thus striking the English spiritualty officially dumb: but Conservatives of the present day, My Lord, (overlook the freedom of my remark) were not exactly called upon to emulate that unrighteous act; which, however, as regards its unconstitutional character, (whether it be allowed or not) has been far outstripped by the Parliamentary creation of Lord Penzance and his New Court, for which both Tory peers and commoners anxiously crowded to vote. For the silence of Convocation, until our own day, was obviously a far less evil in itself than the effective rooting up of spiritual jurisdiction in dioceses by the Public Worship Regulation Act, and

the destruction of the old Courts of the Province. The only parallel to the deed done which I can discover may be found in the grossest uncivilized usage of war, known as "secretly poisoning the wells."

What, then, can be done or attempted? what is politic? what is possible? and more especially, My Lord, what is right?

A short Bill, unconditionally repealing the Act in question, with all its new-fangled machinery, would be at once the surest and safest way out of the difficulty; for the more it is looked at by Churchmen the less it is liked. Neither tampering with nor tinkering it can alter its radical badness, nor make its living and leading principle acceptable to any persons who are not already committed deeply to an approbation and support of modern Erastianism. For, as I heard an eminent Tory statesman recently remark, "it is certainly a little inconsistent that spiritual questions should be treated by the same body which legitimately enough deals by legislation with the overflow of the Thames, vaccination, and the sewerage of the metropolis. You cannot," he said, "govern the Church of England by common law, apart from the spiritualty, without running the chance of undermining its very foundations." The Prime Minister and your lordship—without whose aid the English prelates would never have carried the measure—could hardly have realized fully what a revolution its new principles effected. The change from the old order to the new was soon made, as we all remember.—

Facilis decensus Averni.

The return is obviously not so easy.

> Sed revocare gradum superasque evadere ad auras,
> Hic opus, hic labor est.

Only let the required remedy be postponed, or left to the next Liberal Administration,* and then short and sharp work may be made of the difficulty.

To our statesmen, therefore, I would say, Let both Prayer Book and Canons be at once completely

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* The popular "Liberal" idea of an Established Church is clearly and ably set forth in the *Observer* of April 8th—an idea which no doubt those Tories who voted for the Public Worship Regulation Act equally accept as true; but it is one with which it would be impossible for any clergyman with a shred of self-respect to coincide: "The true theory—that, we mean, which is in accordance with the facts—is no doubt highly distasteful to sacerdotal views, but it has to be affirmed, and affirmed decisively, in controversies like the present. An Established Church, in a Protestant country, under constitutional government, is neither more nor less than an organization for teaching and practising the religion of the majority. Parliament is the expression of the will of the majority, and therefore Parliament must be supreme. That is the system which has prevailed in this country ever since the course of its political history converted royal supremacy into parliamentary supremacy in all matters of government, temporal as well as spiritual; and it is only on condition of the maintenance of this system that the majority will consent to tolerate an establishment at all. The sacerdotal idea of a church is that of a divinely-inspired organic body pronouncing authoritatively upon religious truth or falsehood. The Protestant idea of an establishment is that of a Church appointed to teach certain doctrines which, inasmuch as they are the doctrines of a majority of persons exercising their private judgment, must, by virtue of the first principle of Protestantism, be assumed to be true."

revised by the two Convocations; calling in experts, and taking time. The Constitution gives this right; let not a Conservative Administration fear to secure it for those to whom it rightfully belongs. Here is an extract, embodying that right, from the "Declaration" prefixed to the Thirty-nine Articles: "If any difference arise about the external policy concerning the Injunctions, Canons, and other Constitutions whatsoever thereto belonging, *the Clergy in their Convocation is to order and settle them, having first obtained leave under Our broad seal so to do:* and We approving their said Ordinances and Constitutions; providing that none be made contrary to the laws and customs of the land." Half the Canons of 1604 are notoriously obsolete, and the whole need to be thoroughly adapted to the wants of the present day. No other body is competent to do the work, and no Churchmen—not even the most self-willed—could refuse to abide by the results of such a labour. There is no other "way out of the wood." Any other alternative may well be dreaded.

My final sentence describes a rival communion, and perhaps embodies a thought not unworthy of your lordship's consideration.

Under the protection of Civil and Religious Liberty, and reasonably availing itself of popular principles, (doubtful enough in value) a Power has re-entered England, organized anew, which, let the truth be spoken, has never truckled to kings nor been subservient to peoples, which alike ignores the frowns of statesmen and the applause of multitudes. Prophets called in to curse it, sometimes, in their blindness and infatuation, bless it efficiently.

According to the seers' calculations, it ought long ago to have collapsed. The consummately-planned tactics of its foes, intended to check its progress, frequently serve only to swell its ranks and augment its influence. If old and decrepid monarchies turn away from its presence, new and noble races welcome its advent. Unchangeable, unconciliatory; with a sharply-defined Faith never obscured, and ancient spiritual claims never withdrawn; ever acting with supreme wisdom in the Present, while reaching back to a grand Past in the Old World and onward to a glorious Future in the New,—it stands forth (even from an English Churchman's point of view) as a marvellous and magnificent example of Historical Christianity. At once reviled and feared, hated and misrepresented, it has mapped out England anew, cannot be ignored, either by Church or State, by Archbishop or Chancellor, and summons the baptized to obedience. Certain specific prejudices seem to have long lives and certainly die hard; but others, again, are surely failing and fading away. If our spiritual leaders and guides turn traitors, or the National Church be corrupted at its once fair fountain-head by the corrosive poison of Erastianism, the pertinent question may well be asked—Whither will Christian Englishmen, in the future, turn their steps for revealed Truth and for religious Peace?

I have the honour to be, My Lord,

Your Lordship's most obedient and

Very humble Servant,

FREDERICK GEORGE LEE.

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